

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Robin Torres

(Type or print name of person mailing paper)

Date:

April 21, 1999

(Signature of person mailing paper)

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of	)	Group Art Unit: 1614
	)	
Arimilli et al.	)	Attorney Docket No. 221.P1C
	)	
Serial No: 09/187,763	)	Examiner: M. Ambrose
	)	
Filed: November 6, 1998	)	
	)	
Title: Antiviral Phosphonmethoxy Nucleotide	)	
<u>Analogues Having Increased Oral Bioavailability</u>	)	

**TERMINAL DISCLAIMER**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Gilead Sciences, Inc., a Delaware corporation, having an address at 333 Lakeside Drive, Foster City, California 94404, certifies to the best of Gilead's knowledge and belief that Gilead Sciences, Inc. is the owner of the entire right, title and interest to U.S. application serial No. 09/187,763 (hereafter '763), and U.S. application serial No. 08/900,746 (hereafter '746); evidence of ownership of '763 and '746 is the assignment recorded on January 26, 1998 at Reel 8929, Frame 0225.

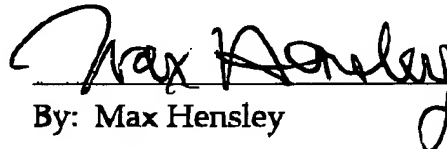
Gilead Sciences, Inc. hereby disclaims the terminal part of any patent granted on '763 which would extend beyond the expiration date of any patent to issue on '746 and agrees that any patent granted on the '763 application will be enforceable only during

the period that the legal title to any patent issuing on the '746 patent application is the same as the legal title to any patent granted on '763. This agreement runs with any patent granted on '763 and is binding on Gilead Sciences, Inc., its successors or assigns.

Gilead Sciences, Inc. does not disclaim any terminal part of any patent that issues on '763 prior to its expiration date as presently shortened by this terminal disclaimer of the '746 application in the event that any patent granted on the '746 application (1) expires for failure to pay a maintenance fee, (2) is held unenforceable or found invalid by a court of competent jurisdiction and all appeals from that court's final judgment are exhausted, (3) is disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (4) has all claims canceled by a reexamination certificate, or (5) is otherwise terminated prior to its statutory term.

Please charge Deposit Account No. 07-1250 the sum of \$110.00 and for any fee deficiency which may be due. A duplicate of this disclaimer is attached.

Dated: April 21, 1999



By: Max Hensley

Title: Vice President for Intellectual Property

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